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TREASURY DEPARTMENT

Number of Requests 16,394  
Number of Appeals 855  
Number of Court Cases 44

DEPARTMENT OF THE TREASURY

FREEDOM OF INFORMATION ACT  
ANNUAL REPORT TO CONGRESS - DUE MARCH 1, 1988  
FOR CY 1987

1. (a) Total number of requests received under 5 U.S.C. 552, as amended:  
16,394
- (b) Total number of initial determinations not to comply with a request for records made under subsection 552(a):  
[Partial and full denials, only. Do not include items listed under 2.(c) below.]  
2,444
2. Authority relied upon for each such determination:

- (a) Exemptions in 552(b) and number of times invoked:

|        |              |        |              |
|--------|--------------|--------|--------------|
| (b)(1) | <u>1</u>     | (b)(6) | <u>296</u>   |
| (b)(2) | <u>774</u>   | (b)(7) | <u>1,344</u> |
| (b)(3) | <u>1,890</u> | (b)(8) | <u>0</u>     |
| (b)(4) | <u>35</u>    | (b)(9) | <u>0</u>     |
| (b)(5) | <u>590</u>   |        |              |

- (b) Statutes invoked pursuant to Exemption (b)(3):

| <u>Statutory Citation</u>                                | <u>Number of Times Invoked</u> |
|--|--------------------------------|
| 5 U.S.C. 552a -----                                      |                                |
| 5 U.S.C. 7114(b)(4)(C) -----                             | <u>4</u>                       |
| 18 U.S.C. 1905 -----                                     |                                |
| 26 U.S.C. 6103 -----                                     | <u>1,859</u>                   |
| 26 U.S.C. 7213 -----                                     | <u>47</u>                      |
| 26 U.S.C. 7431 -----                                     | <u>10</u>                      |
| 31 U.S.C. 5319 -----                                     |                                |
| 35 U.S.C. 205 -----                                      |                                |
| 50 U.S.C. Appendix 2401-2420 -                           |                                |
| Federal Rules of Criminal<br>Procedures: Rule 6(e) ----- | <u>24</u>                      |

3. List of name and title, or position, of each person who was responsible for the initial denial of records requested and number of instances of each participation: [The total number of all denials must equal the total number of partial and full denials shown in item 1(b).]

| <u>Name and Title</u> |   | <u>Number<br/>of<br/>Denials</u> |
|-----------------------|---|----------------------------------|
| Marcus Farbenblum     | Section Chief<br>FOI/Privacy Section            | 8                                |
| Len Finkel            | Team Leader<br>FOI/Privacy Section              | 3                                |
| H. A. Williamson, Jr. | Tax Law Specialist<br>FOI/Privacy Section       | 48                               |
| Arthur Perretta       | Tax Law Specialist<br>FOI/Privacy Section       | 51                               |
| Mary Mar              | Tax Law Specialist<br>FOI/Privacy Section       | 32                               |
| Caroleigh Caster      | Tax Law Specialist<br>FOI/Privacy Section       | 15                               |
| Martha Richardson     | Tax Law Specialist<br>FOI/Privacy Section       | 27                               |
| Jacqueline Bryant     | Tax Law Specialist<br>FOI/Privacy Section       | 40                               |
| Charles S. Garabadian | Tax Law Specialist<br>FOI/Privacy Section       | 28                               |
| Janice P. Rudolph     | Tax Law Specialist<br>FOI/Privacy Section       | 58                               |
| Cheryl Isom           | Tax Law Specialist<br>FOI/Privacy Section       | 29                               |
| E. R. McKelvie        | Tax Law Specialist<br>FOI/Privacy Section       | 39                               |
| Symeria R. Rascoe     | Disclosure Program Asst.<br>FOI/Privacy Section | 28                               |
| Sandra Utter          | Tax Law Specialist<br>FOI/Privacy Section       | 37                               |

- (c) Other authority (specified by category or described individually as appropriate, e.g., nonpossession of records, refusal to pay reasonable search or duplication fees, etc.):

| Reason  | Number of Times Invoked |
|---|-------------------------|
| Nonpossession of records -----  | *                       |
| Not FOIA -----  | *                       |
| Imperfect requests (31 CFR 1.5(c)(1)-(7)):                                    |                         |
| Total -----   | 3,206                   |
| Partial breakdown by subsection:  |                         |
| (c)(2) FOIA not referenced ----   | (Our coding system      |
| (c)(3) Improperly addressed ---   | did not sub-divide      |
| (c)(4) Insufficient description   | these requests by       |
| (c)(7) No agreement to pay fees   | subsection,             |
| Referred in full, intra-agency -----  | *                       |
| Referred in part, intra-agency -----  | *                       |
| Referred, inter-agency -----  | *                       |
| Failure to provide proof of ID -----  | 355                     |
| Appeal prior to initial determination -                                       | 10                      |
| Request withdrawn by requester -----  | 287                     |
| No existing records -----   | 2,118                   |
| Nonpayment of outstanding FOIA bill ---                                       | *                       |
| Denial of fee waiver request -----  | *                       |
| Records previously furnished -----  | *                       |
| Handled by telephone -----  | *                       |
| Records destroyed in due course -----   | *                       |
| Closed without determination (includes items listed above but not broken out) | 432                     |

however, most of the imperfect requests are due to nonagreements to pay fees and/or inadequately described records.)

| <u>Name and Title</u> |  | <u>Number<br/>of<br/>Denials</u> |
|-----------------------|--|----------------------------------|
| Michelle Lamishaw     | Program Analyst<br>FOI/Privacy Section                     | 7                                |
| Mary C. Suffoletta    | Tax Law Specialist<br>FOI/Privacy Section                  | 8                                |
| Irving Porter         | Tax Law Specialist<br>FOI/Privacy Section                  | 5                                |
| Harold M. Browning    | District Director<br>Cincinnati                            | 3                                |
| Robert W. Brock       | Assistant District Director<br>Cincinnati                  | 1                                |
| George Miller         | Regional Disclosure Officer<br>Cincinnati                  | 1                                |
| Steve Henstridge      | Disclosure Officer<br>Cleveland                            | 12                               |
| Linda Brown           | Disclosure Officer<br>Detroit                              | 100                              |
| Veronica Lumpkins     | Disclosure Specialist<br>Detroit                           | 12                               |
| Henry A. Williamson   | Acting Disclosure Officer<br>Detroit                       | 3                                |
| Kenneth Spenser       | Disclosure Officer<br>Indianapolis                         | 27                               |
| Julia M. Courtier     | Acting Disclosure Officer<br>Cincinnati Service Center     | 4                                |
| Jack McGraw           | Disclosure Officer<br>Cincinnati Service Center            | 4                                |
| George Miller         | Disclosure Officer<br>Cincinnati Service Center            | 4                                |
| Edwin R. Ward, Jr.    | Disclosure Officer<br>Louisville                           | 16                               |
| Paul J. DiCecco       | Disclosure Officer<br>Mid-Atlantic Region/<br>Philadelphia | 16                               |

| <u>Name and Title</u> |   | <u>Number<br/>of<br/>Denials</u> |
|-----------------------|---|----------------------------------|
| Ruth Goldstein        | Acting Disclosure Officer<br>Mid-Atlantic Region/<br>Philadelphia | 2                                |
| C. O. Carley          | Assistant to the Director<br>Baltimore                            | 1                                |
| Stephen L. Daige      | Assistant District Director<br>Baltimore                          | 5                                |
| Teddy R. Kern         | District Director<br>Baltimore                                    | 5                                |
| Bruce V. Millburn     | Assistant District Director<br>Newark                             | 2                                |
| J. J. Jennings        | District Director<br>Newark                                       | 4                                |
| Robert Roche          | Acting District Director<br>Newark                                | 2                                |
| April Anson           | Disclosure Officer<br>Newark                                      | 3                                |
| George E. Sutton      | Disclosure Officer<br>Richmond                                    | 4                                |
| Thomas Sutor          | Disclosure Officer<br>Wilmington                                  | 2                                |
| Charles Guy           | Assistant Director<br>Philadelphia Service<br>Center              | 2                                |
| Debbie Decker         | Acting Director<br>Philadelphia Service<br>Center                 | 1                                |
| George O'Hanlon       | District Director<br>Pittsburgh                                   | 6                                |
| Helen White           | Assistant District Director<br>Pittsburgh                         | 2                                |
| L. Moore              | ARC (Examination)<br>Midwest Region                               | 1                                |

| <u>Name and Title</u> |  | <u>Number<br/>of<br/>Denials</u> |
|-----------------------|--|----------------------------------|
| James V. Perozzi      | Acting ARC (Examination)<br>Midwest Region                   | 4                                |
| Ronald J. Koller      | Acting ARC (Examination)<br>Midwest Region                   | 1                                |
| L. Barzyk             | Acting ARC (Examination)<br>Midwest Region                   | 1                                |
| David M. Reizes       | District Director<br>Aberdeen                                | 1                                |
| Jean N. Dixon         | Disclosure Officer<br>Chicago                                | 27                               |
| Savannah Johnson      | Manager, Special Programs<br>Coordination Section<br>Chicago | 3                                |
| Mary B. Cooper        | Acting Disclosure Officer<br>Chicago                         | 5                                |
| John Edwards          | District Director<br>Des Moines                              | 17                               |
| Ross Sutton           | Acting District Director<br>Des Moines                       | 3                                |
| A. G. Piech           | Acting District Director<br>Des Moines                       | 3                                |
| C. T. Fairchild       | Acting District Director<br>Des Moines                       | 2                                |
| Diane K. Austin       | Disclosure Officer<br>Des Moines                             | 1                                |
| W. D. Malone          | District Director<br>Fargo                                   | 2                                |
| E. J. Weiler          | Acting District Director<br>Fargo                            | 5                                |
| John A. Rigler        | Disclosure Officer<br>Helena                                 | 6                                |
| L. M. Phillips        | District Director<br>Milwaukee                               | 32                               |



| <u>Name and Title</u> |                                       | <u>Number<br/>of<br/>Denials</u> |
|-----------------------|---------------------------------------|----------------------------------|
| Robert T. McDonnell   | Acting District Director<br>Milwaukee | 5                                |
| Paul Lally            | Acting District Director<br>Milwaukee | 10                               |
| Ray Ratliff           | Acting District Director<br>Milwaukee | 2                                |
| Fred F. Brehmer       | Acting District Director<br>Milwaukee | 2                                |
| Terrence Lutes        | Acting District Director<br>Milwaukee | 3                                |
| Elliot Lieb           | Acting District Director<br>Milwaukee | 2                                |
| Pam Pfeffer           | Acting District Director<br>Milwaukee | 3                                |
| Mitchell E. Premis    | District Director<br>Omaha            | 7                                |
| Catherine A. Bombere  | Disclosure Officer<br>Omaha           | 1                                |
| Robert A. LeBaube     | District Director<br>St. Louis        | 13                               |
| Alvin J. Freeman, Jr. | Acting District Director<br>St. Louis | 6                                |
| Larry LeGrand         | Acting District Director<br>St. Louis | 1                                |
| Harry Fields          | Acting District Director<br>St. Louis | 2                                |
| Ralph F. Shilling     | District Director<br>St. Louis        | 3                                |
| C. D. Switzer         | District Director<br>St. Paul         | 5                                |
| Douglas D. Hantke     | Acting District Director<br>St. Paul  | 3                                |
| Donald K. Vogel       | Acting District Director<br>St. Paul  | 1                                |

| <u>Name and Title</u> |  | <u>Number<br/>of<br/>Denials</u> |
|-----------------------|--|----------------------------------|
| Laureen Foard         | Disclosure Officer<br>St. Paul               | 6                                |
| Barry Bjornson        | Acting Disclosure Officer<br>St. Paul        | 2                                |
| R. E. Simons          | Acting Disclosure Officer<br>St. Paul        | 3                                |
| Ira S. Loeb           | District Director<br>Springfield             | 2                                |
| Eugene Winston        | Acting District Director<br>Springfield      | 1                                |
| Joseph Nolan          | Acting District Director<br>Springfield      | 1                                |
| Kathleen Barley       | Disclosure Officer<br>Springfield            | 2                                |
| John Jennings         | District Director,<br>Brooklyn               | 4                                |
| Tom Grace             | Acting District Director<br>Brooklyn         | 5                                |
| M. Callison           | Acting District Director<br>Brooklyn         | 1                                |
| Anita Ireland         | Disclosure Officer<br>Brooklyn               | 7                                |
| Raymond Silano        | Acting Disclosure Officer<br>Brooklyn        | 5                                |
| Bob G. Hughes         | Director<br>Brookhaven Service Center        | 9                                |
| Bob Phillips          | Acting Director<br>Brookhaven Service Center | 1                                |
| Tom Quinn             | District Director<br>Andover Service Center  | 11                               |
| Arlene Kay            | Acting Director<br>Andover Service Center    | 3                                |
| Shirley Greene        | Acting Director<br>Andover Service Center    | 1                                |



| <u>Name and Title</u> |  | <u>Number<br/>of<br/>Denials</u> |
|-----------------------|--|----------------------------------|
| Frances X. Walsh      | Acting Director<br>Andover Service Center          | 2                                |
| M. Liebermann         | District Director<br>Providence                    | 2                                |
| Robert Chaput         | Acting District Director<br>Providence             | 1                                |
| John Drew             | Acting District Director<br>Providence             | 1                                |
| Donald Mitgang        | District Director<br>Portsmouth                    | 6                                |
| Richard Teed          | Acting District Director<br>Portsmouth             | 2                                |
| Ted Tedesco           | Assistant District Director<br>Manhattan           | 6                                |
| C. O. Carley          | Acting Assistant<br>District Director<br>Manhattan | 6                                |
| James E. Quinn        | District Director<br>Hartford                      | 2                                |
| Thomas Kerr           | Acting District Director<br>Hartford               | 1                                |
| Regina Deanahan       | Acting District Director<br>Hartford               | 2                                |
| Joyce Weitz           | District Director<br>Burlington                    | 2                                |
| Martin Basson         | Disclosure Officer<br>North-Atlantic Region        | 2                                |
| Gary Matthews         | District Director<br>Buffalo                       | 9                                |
| Curtis Jenkins        | Acting District Director<br>Buffalo                | 3                                |
| Richard Lawless       | Acting District Director<br>Buffalo                | 1                                |

| <u>Name and Title</u> |   | <u>Number<br/>of<br/>Denials</u> |
|-----------------------|---|----------------------------------|
| M. Mitchell           | Acting Disclosure Officer<br>Phoenix        | 1                                |
| A. Pasztor            | Acting Disclosure Officer<br>Phoenix        | 5                                |
| G. Wombacher          | Acting Disclosure Officer<br>Phoenix        | 4                                |
| Larry Burkey          | Acting District Director<br>Salt Lake City  | 1                                |
| Clarence M. King, Jr. | District Director<br>Wichita                | 2                                |
| William F. Works      | Acting District Director<br>Wichita         | 1                                |
| Doug Molepske         | Acting District Director<br>Wichita         | 1                                |
| Jay Hammer            | Disclosure Officer<br>Ogden Service Center  | 62                               |
| William E. Palzkill   | Director<br>Austin Compliance Center        | 1                                |
| Robert D. Ah Nee      | Director<br>Austin Compliance Center        | 1                                |
| Michael D. Brockway   | Acting Director<br>Austin Compliance Center | 1                                |
| David Burgess         | Disclosure Officer<br>Anchorage             | 43                               |
| Linn Andrews          | Acting Disclosure Officer<br>Anchorage      | 3                                |
| Delores Hardy         | Acting Disclosure Officer<br>Anchorage      | 2                                |
| Cathy Simpson         | Acting Disclosure Officer<br>Anchorage      | 1                                |
| Richard Orosco        | District Director<br>Boise                  | 4                                |

| <u>Name and Title</u> |  | <u>Number<br/>of<br/>Denials</u> |
|-----------------------|--|----------------------------------|
| John Johnson          | District Director<br>Boston                      | 2                                |
| Don Cowles            | Acting District Director<br>Boston               | 1                                |
| Gary Jurovich         | Acting District Director<br>Boston               | 1                                |
| Edwin A. Kelleher     | District Director<br>Albany                      | 6                                |
| John Ehlen            | Acting District Director<br>Albany               | 1                                |
| John Touhy            | Disclosure Officer<br>Albany                     | 1                                |
| James Daly, Jr.       | District Director<br>Augusta                     | 1                                |
| R. C. Voskuil         | Regional Commissioner<br>Southwest Region        | 3                                |
| Gerald Swanson        | Acting Regional Commissioner<br>Southwest Region | 2                                |
| Glenn E. Shepard      | Acting Regional Commissioner<br>Southwest Region | 1                                |
| Gary O. Booth         | District Director<br>Austin                      | 16                               |
| Robert C. Wilkerson   | Assistant District Director<br>Austin            | 6                                |
| Edward M. Cavuto      | Acting District Director<br>Austin               | 1                                |
| Michael R. Grubich    | Acting District Director<br>Austin               | 1                                |
| Julia L. Gonzales     | Disclosure Officer<br>Austin                     | 1                                |
| Conrad Clapper        | District Director<br>Cheyenne                    | 2                                |
| Glenn Cagle           | District Director<br>Dallas                      | 16                               |

| <u>Name and Title</u> |  | <u>Number<br/>of<br/>Denials</u> |
|-----------------------|--|----------------------------------|
| James E. Kelly        | Acting District Director<br>Dallas           | 17                               |
| G. L. Mhlbachler      | District Director<br>Denver                  | 6                                |
| Thomas M. Reid        | Assistant District Director<br>Denver        | 10                               |
| John A. Mattson       | Acting District Director<br>Denver           | 1                                |
| E. A. Stines          | Acting District Director<br>Denver           | 3                                |
| J. Martin             | Acting District Director<br>Denver           | 1                                |
| Arturo A. Jacobs      | District Director<br>Houston                 | 6                                |
| Bobby E. Scott        | Chief, Examination Div.<br>Houston           | 19                               |
| K. J. Sawyer          | District Director<br>Oklahoma City           | 3                                |
| George Close          | Assistant District Director<br>Oklahoma City | 2                                |
| Paul B. Nichols, Jr.  | Disclosure Officer<br>Oklahoma City          | 20                               |
| Larry Beckham         | Acting District Director<br>Oklahoma City    | 1                                |
| William C. Reitan     | Acting District Director<br>Oklahoma City    | 1                                |
| W. E. Fisher          | Disclosure Officer<br>Phoenix                | 66                               |
| W. Ferrell            | Acting Disclosure Officer<br>Phoenix         | 3                                |
| D. O'Conner           | Acting Disclosure Officer<br>Phoenix         | 2                                |

| <u>Name and Title</u>   |  | <u>Number<br/>of<br/>Denials</u> |
|-------------------------|--|----------------------------------|
| Diane Elm               | Acting District Director<br>Boise          | 4                                |
| Phil Coates             | District Director<br>Honolulu              | 4                                |
| Fred Lynn               | Acting District Director<br>Honolulu       | 2                                |
| James Kajiki            | Acting District Director<br>Honolulu       | 2                                |
| LaVerne Arnold          | Disclosure Officer<br>Laguna Niguel        | 62                               |
| Judy Martin             | Acting Disclosure Officer<br>Laguna Niguel | 8                                |
| Lourdes Maria de Varona | Disclosure Officer<br>Las Vegas            | 20                               |
| Mercy Manzur            | Acting Disclosure Officer<br>Las Vegas     | 7                                |
| Patricia Harris         | Acting Disclosure Officer<br>Las Vegas     | 1                                |
| Malia Berumen           | Disclosure Officer<br>Los Angeles          | 115                              |
| Robin Holbrook          | Acting Disclosure Officer<br>Los Angeles   | 18                               |
| Frieda Gill             | Acting Disclosure Officer<br>Los Angeles   | 3                                |
| Joanne Faber            | Disclosure Officer<br>Portland             | 14                               |
| Jarry Caspell           | Acting Disclosure Officer<br>Portland      | 2                                |
| Duane Jones             | Disclosure Officer<br>Sacramento           | 61                               |
| Scott Duncan            | Acting Disclosure Officer<br>Sacramento    | 16                               |
| Beverly Weber           | Disclosure Officer<br>San Francisco        | 14                               |

| <u>Name and Title</u> |  | <u>Number<br/>of<br/>Denials</u> |
|-----------------------|--|----------------------------------|
| Barbara Haselbach     | Acting Disclosure Officer<br>San Francisco                     | 7                                |
| Mary Clifton          | Acting Disclosure Officer<br>San Francisco                     | 2                                |
| Lorna Mixon           | Acting Disclosure Officer<br>San Francisco                     | 5                                |
| Scott Duncan          | Acting Disclosure Officer<br>San Francisco                     | 2                                |
| LaVerne Arnold        | Disclosure Officer<br>San Francisco                            | 1                                |
| Nadine Addison        | Acting Disclosure Officer<br>San Francisco                     | 1                                |
| Dorothy Clifton       | Disclosure Officer<br>San Jose                                 | 76                               |
| Barbara Huggins       | Acting Disclosure Officer<br>San Jose                          | 2                                |
| Stephen H. Flesner    | Disclosure Officer<br>Seattle                                  | 183                              |
| Jonathan K. Davis     | Acting Disclosure Officer<br>Seattle                           | 22                               |
| Don Thompson          | Acting Disclosure Officer<br>Seattle                           | 4                                |
| Donald B. Oliver      | Disclosure Officer<br>Fresno Service Center                    | 151                              |
| RaNae Fielding        | Acting Disclosure Officer<br>Fresno Service Center             | 32                               |
| Debbie Wyant          | Acting Disclosure Officer<br>Fresno Service Center             | 8                                |
| Dee Trevorrow         | Acting Chief, Compliance<br>Division, Fresno Service<br>Center | 1                                |
| Kenneth A. Thompson   | Deputy Assistant<br>Commissioner (Inspection)                  | 33                               |



| <u>Name and Title</u> |  | <u>Number<br/>of<br/>Denials</u> |
|-----------------------|--|----------------------------------|
| John M. Rankin        | Assistant Commissioner<br>(Inspection)               | 3                                |
| Richard Byrd, Jr.     | Disclosure Officer<br>(Inspection)                   | 2                                |
| Erwin Sobin           | Acting Deputy Assistant<br>Commissioner (Inspection) | 1                                |
| Leslie S. Shapiro     | Director of Practice                                 | 4                                |
| Jean S. Pate          | Disclosure Officer<br>Southeast Region               | 5                                |
| Jean S. Pate          | Disclosure Officer<br>Atlanta                        | 35                               |
| Karen Czeskleba       | Disclosure Officer<br>Birmingham                     | 6                                |
| Michael S. Barnett    | Disclosure Officer<br>Columbia                       | 13                               |
| Stewart Chamberlain   | Disclosure Officer<br>Ft. Lauderdale                 | 9                                |
| Peggy Harris          | Acting Disclosure Officer<br>Greensboro              | 2                                |
| Jackie Bracey         | Disclosure Officer<br>Greensboro                     | 19                               |
| Betty Weiss           | Disclosure Officer<br>Jackson                        | 5                                |
| B. K. Ferris          | Disclosure Officer<br>Jacksonville                   | 30                               |
| E. L. Leuthold        | Acting Disclosure Officer<br>Jacksonville            | 8                                |
| A. B. Summerlin       | Acting Disclosure Officer<br>Jacksonville            | 1                                |
| Laurie L. Huett       | Disclosure Officer<br>Little Rock                    | 5                                |
| Laurie L. Hale        | Disclosure Officer<br>Little Rock                    | 6                                |

| <u>Name and Title</u> |  | <u>Name<br/>of<br/>Denials</u> |
|-----------------------|--|--------------------------------|
| James H. Hobbs        | Disclosure Officer<br>Nashville              | 6                              |
| Nesbitt Parker        | Disclosure Officer<br>New Orleans            | 11                             |
| Betty Barksdale       | Disclosure Officer<br>Atlanta Service Center | 22                             |
| Thomas E. Willett     | Disclosure Officer<br>Memphis Service Center | 4                              |
| Percy Woodard, Jr.    | Assistant Commissioner<br>International      | 6                              |

4. Total number of intra-agency appeals from adverse initial decisions made pursuant to subsection (a)(6):

|   |     |
|---|-----|
|   | 855 |
| (a) Number of appeals in which, upon review, request for information was granted in full: | 13  |
| (b) Number of appeals in which, upon review, request for information was denied in full:  | 45  |
| (c) Number of appeals in which, upon review, request for information was denied in part:  | 38  |
| Pending   | 478 |

5. Specific authority relied upon for total or partial denials on appeal:

- (a) Exemptions 552(b) and the number of times invoked:

|        |    |        |    |
|--------|----|--------|----|
| (b)(1) | 0  | (b)(6) | 2  |
| (b)(2) | 17 | (b)(7) | 90 |
| (b)(3) | 57 | (b)(8) | 0  |
| (b)(4) | 1  | (b)(9) | 0  |
| (b)(5) | 17 |        |    |

- (b) Statutes invoked pursuant to Exemption (b)(3):

| <u>Statutory Citation</u>                            | <u>Number of Times Invoked</u> |
|--|--------------------------------|
| 26 U.S.C. 6103 -----                                 | 82                             |
| 26 U.S.C. 6103(a) -----                              | 40                             |
| 26 U.S.C. 6103(b)(2) -----                           | 23                             |
| 26 U.S.C. 6103(e)(7) -----                           | 19                             |
| Federal Rules of Criminal Procedure: Rule 6(e) ----- | 0                              |

(c) Other authority:

| <u>Reason</u>   | <u>Number of<br/>Times Invoked</u> |
|---|------------------------------------|
| Treated as non-appeal -----                                     | <u>368</u>                         |
| Withdrawn by requester -----                                    | <u>73</u>                          |
| Denied fee waiver request -----                                 | <u>4</u>                           |
| Litigation commenced due to failure to<br>respond on time ----- | <u>24</u>                          |
| Nonpossession of records -----                                  | <u>4</u>                           |
| Refusal to pay fees -----                                       | <u>23</u>                          |
| Documents not administrative material -                         | <u>78</u>                          |
| Record does not exist -----                                     | <u>88</u>                          |
| Records not requested in initial<br>FOIA request -----          | <u>76</u>                          |
| All records already released to<br>requester -----              | <u>61</u>                          |
| Requester did not file appeal within<br>the 35-day period ----- | <u>0</u>                           |

6. List of name and title, or position, of each person who, on appeal, was responsible for the denial in whole or in part of records requested and the number of instances of each signator's participation: [The total number of denials on appeal must equal the total of 4(b) and 4(c).]

| <u>Name and Title</u> |   | <u>Number of<br/>Denials<br/>on Appeal</u> |
|-----------------------|---|--|
| Alan A. Beck          | Deputy Assistant Commissioner<br>(Support and Services) | 1  |
| Peter V. Filpi        | Director, Disclosure<br>Litigation Division             | 63   |
| John B. Cummings      | Assistant Director<br>Disclosure Litigation Division    | 15   |
| Arthur L. Lappen      | Acting Director, Disclosure<br>Litigation Division      | 4  |

7. A copy of each court opinion or order giving rise to a proceeding under subsection (a)(4)(F); a copy of the Office of Personnel Management's findings and recommendations on each such proceeding; and a report of the disciplinary action taken against the officer or employee who was responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

Number of documents attached: 0

8. Up-to-date copies of all rules or regulations issued pursuant to, or in implementation of, the Freedom of Information Act (5 U.S.C. 552). (Only amendments made during this reporting period are reported here.)

Number of documents attached: See Attachment A

9. A copy of the fee schedule adopted and the total dollar amount of fees collected for making records available.

Amount collected: \$75,811.83

10. Pursuant to subparagraph (d)(7), the following information is provided indicative of efforts to fully administer this section:

(a) Availability of records. A list of all new categories or segregative portions of records now being released upon request. See Attachment B

(b) Costs. Incremental costs incurred in administering the 1974 amendments to the Act. The best estimate of direct and indirect costs for CY 1987: 3,784,886.

(c) Compliance with time limitations for agency determinations. Subparagraph (a)(6)(A) provides for an initial determination to be made on any request for records within ten (10) working days (usually two weeks) of its receipt. In case of an appeal from an initial denial, a determination on the appeal is to be made by the agency within twenty (20) working days (usually four weeks) after receipt of the appeal. The amendments contain two provisions for extension of the foregoing time limits: (1) an additional ten days in three types of unusual circumstances, and (2) where authorized by a court.

- (1) The total number of instances in which it was necessary to seek a 10-day extension of time was: 0

broken down as follows:

- a. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request: 0

- b. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which were demanded in a single request: 0

- c. The need for consultation, which was conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein: 0

- (2) The total number of instances where court appeals were taken on the basis of exhaustion of administrative procedures because the agency was unable to comply with the request within the applicable time limits: 24

- (3) The total number of instances in which a court allowed additional time upon showing exceptional circumstances, together with a copy of each court opinion or order containing such an extension of time: 0

- (d) Internal memoranda. A copy of all unpublished internal memoranda or instructions setting forth procedures to be followed by agency personnel in administering the Act or defining its coverage together with a statement indicating whether the memoranda or instructions are publicly available or, if not, the legal basis for non-disclosure of any such document.

Number of documents attached: 0



11. Number of court cases: 44